

A MANUAL OF THE LAWS OF NORTH-CAROLINA,

ARRANGED UNDER DISTINCT HEADS,

IN ALPHABETICAL ORDER.

WITH REFERENCES FROM ONE HEAD TO ANOTHER,
WHEN A SUBJECT IS MENTIONED IN ANY OTHER PART OF THE BOOK
THAN UNDER THE DISTINCT HEAD TO WHICH IT BELONGS.

BY JOHN HAYWOOD, ESQ.

LATE ONE OF THE JUDGES OF THE SUPREME COURTS OF LAW AND
EQUITY.

THIRD EDITION, CORRECTED TO THE PRESENT TIME.

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1814.

HUNTING.

ously steal any horse, mare or gelding, upon due conviction thereof, such felon or felons shall suffer death without benefit of clergy.

HOSPITAL-MONEY.

See Seamen, 1, 4.

HOUSE-BREAKERS.

1806. C. 6.

§ 1. If any person or persons shall break any dwelling-house, shop, ware-house or other out house thereto belonging, or therewith used, in the day time, and feloniously take away any money, goods or chattels, of the value of 20s. or upwards, therein being, although no person shall be within such dwelling-house, shop, ware-house or other out-house, or shall comfort, aid, abet, assist, counsel, hire or command any person or persons to commit such offence, and being thereof lawfully convicted, or being indicted shall stand mute, or peremptorily challenge more than thirty-five jurors, shall suffer death without benefit of clergy.

Cases in which persons breaking houses, &c. shall be deprived of benefit of clergy.

HUNTING.

1768. C. 13.

I. § 2. From and after the first day of January next, no person whatever (masters excepted) not having a freehold of one hundred acres of land within this province, or tending 10,000 corn hills, at least five feet distance each, shall hunt or kill deer, under the penalty of 10l. proclamation money for every offence; and moreover shall forfeit his gun, or the value thereof; to be recovered by action of debt, bill, plaint or information, by any person who will prosecute for the same, wherein, upon conviction, over and above the said penalty and forfeiture as aforesaid, the defendant shall be committed to gaol by order of the court, there to remain, without bail or mainprize, for one month.

Who shall not hurt. 2, 3, 9.

§ 5. Nothing herein shall bar or hinder an overseer of a slave or slaves from hunting and killing deer with a gun, on his employer's lands, or the waste lands of the public, within five miles of the residence of such overseer.

II. § 6. Upon suit being commenced on action of debt, information, &c. in a superior court, if the defendant shall fail to give such security as aforesaid, then the sheriff shall commit the defendant to the goal of the superior court for the district to which the same is made returnable.

1774. C. 6.

III. § 5. When more persons than one are engaged in the commission of the offence of hunting *with a gun, in the night*

HUNTING.

235

by fire light, it shall and may be lawful for one of them to give evidence against any one, or all others concerned ; and his testimony shall be held and deemed to be as effectual, and shall have equal weight as if given by any person perfectly disinterested and innocent of the offence giving like information of the same facts, subject in other respects to the general rules of law respecting witnesses : and such witness, upon giving such information, and after due conviction of one or more such offenders, shall be acquitted and held discharged from all penalties and pains to be inflicted by this act, and shall have equal right to the moiety of the fine heretofore mentioned as other informers have.

Apartment
crimins
may give
evidence
against the
others, viz.
fire-hunt-
ers, 4, 5.

1779. C. 3.

IV. § 9. If any person summoned as an evidence against any fire-hunter, shall refuse or neglect to give evidence against such fire-hunter, such person so refusing or neglecting, shall be committed to the gaol of the county where the offence shall be committed, until he or she shall give evidence against the offender.

Penalty on
witnesses
against fire
hunters
refusing to
give evi-
dence.

1784. C. 33.

V. § 1. If any person or persons shall be discovered hunting in the woods with a gun, in the night time, by fire light, such person or persons so offending shall, upon conviction, by indictment or presentment in any court of record in this state, be fined by such court 20l. current money, to be applied to the use of the county wherein the offence was committed ; and shall stand committed until all costs accruing upon the presentment be paid.

Hunting by
fire light,
the penal-
ty, 3, 4, 6.

VI. § 2. If any person shall be convicted as aforesaid of killing any deer, and leaving the carcasses thereof in the woods, he shall for every offence forfeit and pay 20s.

Leaving
carcasses
in the woods.

VII. § 3. If any slave or slaves shall be discovered hunting, in manner herein before mentioned, the master of such slave or slaves, or the person in whose service he or they may be, shall, upon due conviction of such slave or slaves before any justice of the peace of the county wherein such offence may be committed, forfeit the sum of five pounds, to be levied by a warrant immediately to be issued by such justice for that purpose ; and if any person shall be duly convicted as aforesaid of sending his slave to hunt with a gun, in the night by fire light, he shall be subject to the same pains as are provided by this act to be inflicted on fire-hunters.

Slaves
hunting by
fire light.

VIII. § 4. It shall not be lawful for any person on the east side of the Apalachian mountains, to kill or destroy any deer running wild in the woods or unfenced grounds in this state, by gun or otherwise, between the 20th day of February and 15th August.

Killing
deer be-
tween the
10th Feb.
and 15th
August.

JAILORS.

ry and the 15th day of August then next succeeding in each year, unless on his own lands ; and if any person on the east side of the said mountains shall kill or otherwise destroy any deer within the time before described, and contrary to the meaning and intent of this act, every such person shall forfeit and pay for each and every deer so unlawfully killed or destroyed, the sum of 40s. to be recovered before any justice of the peace, and applied as is by this act directed ; and in case any servant or slave shall, on the east side of the said mountains, kill or destroy any deer, between the 20th of February and the 15th of August in any year, the owner of such slave shall be liable to pay the sum of 40s. for each deer so unlawfully killed or destroyed, to be recovered and applied as before directed.

Hunting on others' land. IX. § 5. It shall not be lawful for any person or persons on the east side of the Apalachian mountains, to hunt with a gun or with dogs on the lands of any other person, without leave obtained from the owner of the said land, under the penalty of forfeiting five pounds for every offence, to be recovered by the owner before any justice of the peace of the county where such offence is committed, or the offender resides, and applied, one half to his own use and the other half to the use of the county : Provided that no such recovery shall be had for the offence afore-mentioned, unless the owner of the land shall, by advertisement posted up in two or more public places, have forbid the persons so hunting by name, or all persons generally to hunt on his land, previous to the offence : Provided also, that recovery shall not be had in any case whatever, unless the prosecution is commenced within one month after the offence is committed.

Fines applied. X. § 7. All fines imposed and recovered by virtue of this act, shall be one half to the use of the informer, the other half to the use of the poor of the county wherein the offence shall be committed, except such as are otherwise directed.

1801. C. 31.

Punishment. XI. § 1. Upon any conviction hereafter for said offence of fire-hunting, the court in which the same is made, on his failing to pay the fine prescribed by 1784, c. 33, shall be, and is hereby authorised and empowered to sentence the person or persons convicted, to such term of imprisonment as may be judged adequate to the punishment of the offence, not exceeding two months.

JAILORS.

See Claims, 3—Escapes, 3—Fees, 30.